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TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

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Proposed Rule  
LSA Document #10-332

## DIGEST

Amends [345 IAC 4-4-1](#) through [345 IAC 4-4-3](#) to update the National Poultry Improvement Plan regulations incorporated by reference and make conforming amendments. Adds [345 IAC 4-4-4](#) to establish the state's policy on cooperating with the United States Department of Agriculture in administering the H5/N7 low pathogenic avian influenza eradication program. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)[345 IAC 4-4-1](#); [345 IAC 4-4-2](#); [345 IAC 4-4-3](#); [345 IAC 4-4-4](#)

SECTION 1. [345 IAC 4-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 4-4-1](#) National Poultry Improvement Plan; adoption by reference

Authority: [IC 15-17-3-21](#)

Affected: [IC 15-17-3-13](#); [IC 15-17-10-15](#)

Sec. 1. The board adopts and incorporates by reference as rules of the board the **following** United States Department of Agriculture National Poultry Improvement Plan **regulations that are in effect on January 1, 2010:**

**(1) 9 CFR Part 145. and the auxiliary provisions in**

**(2) 9 CFR Part 146 and the amendments thereto in 75 FR 10645 through 75 FR 10658 (March 9, 2010).**

**(3) 9 CFR Part 147. that are in effect on January 1, 2004, and the amendments thereto in 69 FR 7679 through 69 FR 7680. But, 9 CFR Part 147, Subpart E and any amendments thereto are is not incorporated by reference.**

*(Indiana State Board of Animal Health; [345 IAC 4-4-1](#); filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; filed Dec 10, 1997, 11:00 a.m.: 21 IR 1327; filed Dec 18, 2000, 9:57 a.m.: 24 IR 1341; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 16, 2004, 1:30 p.m.: 28 IR 1473; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#))*

SECTION 2. [345 IAC 4-4-2](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 4-4-2](#) Definitions

Authority: [IC 15-17-3-21](#)

Affected: [IC 15-17](#)

Sec. 2. (a) The definitions in ~~9 CFR 145.1~~ and this section:

**(1) apply throughout this article; Definitions in this section and**

**(2) shall control over conflicting definitions in 9 CFR 145.1 and 9 CFR 146.1.**

(b) "Board" means the Indiana state board of animal health appointed under [IC 15-17-3](#) and its official agents.

(c) **"Cooperating state agency" means the official state agency and the board.**

**(d) "National Poultry Improvement Plan" and "NPIP" means the National Poultry Improvement Plan program adopted by reference in section 1 of this rule.**

~~(d)~~ **(e) "Official state agency" means the Indiana state poultry association appointed under [IC 15-17-10-15](#).**

~~(e)~~ **(f) "State animal disease control official" means the state veterinarian.**

(g) "State animal health authority" means the board.

(f) (h) "State veterinarian" means the Indiana state veterinarian appointed under [IC 15-17-4](#).

(i) "USDA" means the United States Department of Agriculture.

*(Indiana State Board of Animal Health; [345 IAC 4-4-2](#); filed Dec 18, 2000, 9:57 a.m.: 24 IR 1341; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#))*

SECTION 3. [345 IAC 4-4-3](#) IS AMENDED TO READ AS FOLLOWS:

**[345 IAC 4-4-3](#) Cooperation and authority**

**Authority:** [IC 15-17-3-21](#)

**Affected:** [IC 15-17-3-13](#); [IC 15-17-10-15](#)

Sec. 3. The state veterinarian shall cooperate with the official state agency **and the USDA** in administering the provisions of the National Poultry Improvement Plan. The state veterinarian may initiate proceedings to enforce the provisions of the National Poultry Improvement Plan upon request of the official state agency.

*(Indiana State Board of Animal Health; [345 IAC 4-4-3](#); filed Dec 18, 2000, 9:57 a.m.: 24 IR 1342; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; readopted filed May 9, 2007, 3:16 p.m.: [20070516-IR-345070037RFA](#))*

SECTION 4. [345 IAC 4-4-4](#) IS ADDED TO READ AS FOLLOWS:

**[345 IAC 4-4-4](#) H5/H7 low pathogenic avian influenza eradication program**

**Authority:** [IC 15-17-3-21](#)

**Affected:** [IC 15-17-3-13](#); [IC 15-17-10-15](#)

Sec. 4. The cooperating state agency will cooperate with the USDA to administer the H5/H7 low pathogenic avian influenza eradication program in Indiana as prescribed in 9 CFR Part 56. The cooperating state agency's activities will include all aspects of the H5/H7 low pathogenic avian influenza program, such as the following:

- (1) Entering into cooperative agreements for surveillance, monitoring, and vaccine distribution and administration (9 CFR 56.2).
- (2) Creating an approved initial state response and containment plan (9 CFR 56.10).
- (3) Deciding if and when to request federal assistance in the event of an outbreak of H5/H7 low pathogenic avian influenza (9 CFR 56.2(c)).
- (4) Condemning infected or exposed poultry and articles, disposing of infected and exposed carcasses and articles, and cleaning and disinfecting exposed premises and materials (9 CFR 56.5).
- (5) Activities needed to obtain indemnity from the USDA as provided for in 9 CFR Part 56 and that may become available under any other law.

*(Indiana State Board of Animal Health; [345 IAC 4-4-4](#))*

**[Notice of Public Hearing](#)**

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